

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:21-CV-493-RJC-DCK**

JERRY GREEN, and LINDA PETROU,)

Plaintiffs,)

v.)

**KAREN BRINSON BELL, in her official
capacity as Executive Director of the North
Carolina Board of Elections,**)

Defendant.)

ORDER

THIS MATTER IS BEFORE THE COURT on the “Objections And Motion To Quash And/Or Modify Subpoena” (Document No. 60) filed October 6, 2023. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

The instant motion was filed by Olivia McCall (“Movant”), in her official capacity as Director of the Wake County Board of Elections (“WCBOE”). (Document No. 60). Movant objects to parts of a Subpoena (Document No. 60-1) served by Plaintiffs on or about September 22, 2023. Id.

The Court has recently been informed that Movant and Plaintiffs have reached a resolution of this dispute and they have provided a proposed Consent Order. Having carefully considered the motion and the record, and noting the parties’ agreement, the undersigned grants the motion with modification and enters the proposed Consent Order as follows.

To narrow the scope of the Subpoena (Document No. 60-1) issued by Plaintiffs pursuant to Rule 45 (d)(2) and (3) of the Federal Rules of Civil Procedure, the Court enters this Consent

Order adopting the objections of Movant based upon production of documents which are confidential pursuant to N.C. Gen. Stat. §§ 163-82.10, 163-82.20, and 108A-80 which are not defined as “public records” pursuant to N.C. Gen. Stat. § 132-1, or which are subject to N.C. Gen. Stat. §132-6.2(e).

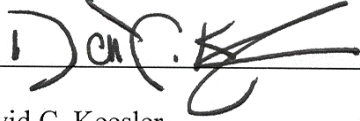
IT IS, THEREFORE, ORDERED that by and with the consent of Plaintiffs and Movant, the Court hereby approves modification of the Subpoena in Paragraphs 1 and 4 as follows:

As to paragraph 1, Movant will provide only those documents concerning voter list maintenance efforts conducted by the Wake County Board of Elections since January 1, 2021, relevant to Section 8 compliance with the National Voters Registration Act.

As to paragraph 4, Movant will provide responsive documents but will not provide personal identifying information which is made confidential pursuant to N.C. Gen. Stat. §163-82.10 or that would disclose the identity of the public agency at which a voter was registered in accordance with N.C. Gen. Stat. §163-82.20 and/or which is protected from disclosure by N.C. Gen. Stat. §108A-80.

SO ORDERED.

Signed: October 20, 2023



David C. Keesler
United States Magistrate Judge

